MONTANA LEGISLATIVE HISTORY

Chapter 262 1991

Bill H 848 S _____ Original bill & history ✓ C

H. Committee on State Administration			S. Committee on State Administration		
Hearing Date(s)	Feb 20	✓ C	Hearing Date(s)	Mar 13	✓ C
	_____	____ C		_____	____ C
	_____	____ C		_____	____ C
	_____	____ C		_____	____ C
Date Out	Feb 20	✓ C		Mar 13	✓ C

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____ Report _____

5/03	SIGNED BY SPEAKER		
5/03	SIGNED BY PRESIDENT		
5/03	TRANSMITTED TO GOVERNOR		
5/15	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 761	EFFECTIVE DATE: 5/15/91	

HB 847 INTRODUCED BY LEE, ET AL.
EXEMPT SENIOR CITIZENS' CENTERS FROM
LIVE CARD GAME AND BINGO LAWS

2/14	INTRODUCED		
2/14	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
2/14	FIRST READING		
2/21	HEARING		
2/22	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/25	2ND READING PASSED	91	6
2/26	3RD READING PASSED	92	7
	TRANSMITTED TO SENATE		
2/26	FIRST READING		
2/26	REFERRED TO JUDICIARY		
3/21	HEARING		
4/01	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/04	2ND READING CONCURRED	49	0
4/05	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE WITH AMENDMENTS		
4/10	2ND READING AMENDMENTS CONCURRED	96	2
4/11	3RD READING AMENDMENTS CONCURRED	91	7
4/16	SIGNED BY SPEAKER		
4/16	SIGNED BY PRESIDENT		
4/16	TRANSMITTED TO GOVERNOR		
4/17	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 473	EFFECTIVE DATE: 10/01/91	

HB 848 INTRODUCED BY BARDANOUVE
CREATE DEPARTMENT OF CORRECTIONS
BY REQUEST OF DEPARTMENT OF INSTITUTIONS

2/14	INTRODUCED		
2/14	REFERRED TO STATE ADMINISTRATION		
2/14	FIRST READING		
2/14	FISCAL NOTE REQUESTED		
2/18	FISCAL NOTE RECEIVED		
2/19	FISCAL NOTE PRINTED		
2/20	HEARING		
2/20	COMMITTEE REPORT—BILL PASSED		
2/25	2ND READING PASSED	97	2
2/26	3RD READING PASSED	97	2
	TRANSMITTED TO SENATE		
2/26	FIRST READING		
2/26	REFERRED TO STATE ADMINISTRATION		
3/13	HEARING		
3/13	COMMITTEE REPORT—BILL CONCURRED		
3/15	2ND READING CONCURRED	46	2
3/16	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
3/22	SIGNED BY SPEAKER		
3/23	SIGNED BY PRESIDENT		
3/25	TRANSMITTED TO GOVERNOR		
3/29	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 262	EFFECTIVE DATE: 7/01/91	

HOUSE BILL NO. 848

INTRODUCED BY BARDANOUVE
BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE HOUSE

FEBRUARY 14, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
FEBRUARY 20, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 21, 1991	PRINTING REPORT.
FEBRUARY 25, 1991	SECOND READING, DO PASS.
	ENGROSSING REPORT.
FEBRUARY 26, 1991	THIRD READING, PASSED. AYES, 97; NOES, 2.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 26, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
MARCH 13, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 15, 1991	SECOND READING, CONCURRED IN.
MARCH 16, 1991	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 18, 1991	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

HOUSE BILL NO. 848

INTRODUCED BY Bardanouve

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE NAME OF THE DEPARTMENT OF INSTITUTIONS AND THE DIRECTOR OF INSTITUTIONS TO THE DEPARTMENT AND DIRECTOR OF CORRECTIONS AND HUMAN SERVICES; DEFINING THE COMPONENTS, PURPOSE, POWERS, AND DUTIES OF THE DEPARTMENT; AMENDING SECTIONS 2-15-104, 2-15-2301, 53-1-201, 53-1-202, AND 53-1-203, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1.** **Name change -- instructions to code commissioner.** (1) The names of the department and the director of institutions are changed to the department and the director of corrections and human services.

(2) Wherever the terms "department of institutions" or "department" (of institutions) and "director of institutions" or "director" (of institutions) appear in the Montana Code Annotated, the code commissioner shall change the terms to the "department of corrections and human services" or "department" (of corrections and human services) and "director of corrections and human services" or "director" (of corrections and human services), as appropriate, and conform internal references and grammar to the changes.

Section 2. Section 2-15-104, MCA, is amended to read:

"2-15-104. **Structure of executive branch.** (1) In accordance with the constitution, all executive and administrative offices, boards, commissions, agencies, and instrumentalities of the executive branch of state government and their respective functions are allocated by this chapter among and within the following departments or entities:

(a) department of administration;

(b) department of military affairs;

(c) department of revenue;

(d) state board of education;

(e) department of labor and industry;

(f) department of commerce;

(g) department of justice;

(h) department of health and environmental sciences;

(i) department of social and rehabilitation services;

(j) department of ~~institutions~~ corrections and human services;

(k) department of highways;

(l) department of public service regulation;

(m) department of agriculture;

(n) department of livestock;

INTRODUCED BILL
HB 848

(o) department of state lands;

(p) department of natural resources and conservation;

(q) department of fish, wildlife, and parks;

(r) department of family services.

(2) For its internal structure, each department shall adhere to the following standard terms:

(a) The principal unit of a department is a division. Each division shall be headed by an administrator.

(b) The principal unit of a division is a bureau. Each bureau shall be headed by a chief.

(c) The principal unit of a bureau is a section. Each section shall be headed by a supervisor."

Section 3. Section 2-15-2301, MCA, is amended to read:

"2-15-2301. Department of ~~institutions~~ corrections and human services -- head. There is a department of ~~institutions~~ corrections and human services. The department head is a director of ~~institutions~~ corrections and human services appointed by the governor in accordance with 2-15-111."

Section 4. Section 53-1-201, MCA, is amended to read:

"53-1-201. Purpose of department. The department shall utilize at maximum efficiency the resources of state government in a coordinated effort to:

(1) develop and maintain comprehensive services and programs in the fields of:

~~(i)--restore-the-physically-or-mentally-disabled;~~

~~(2)--rehabilitate-the-violators-of-law;~~

~~(3)--sustain-the-vigor-and-dignity-of-the-aged;~~

~~(4)--train-children-of-limited-mental-capacity-to--their best-potential;~~

~~(5)--rededicate--the--resources--of--the--state--to--the productive-independence-of-its-now-dependent-citizens;-and~~

~~(6)--coordinate--and--apply--the--principles--of--modern institutional--administration--to--the--institutions--of-the state;~~

(a) adult corrections;

(b) mental health; and

(c) chemical dependency; and

(2) provide inpatient institutional care for developmentally disabled persons who require that care according to the requirements of Title 53, chapter 20; and

(3) provide nursing home care for honorably discharged veterans as provided by law."

Section 5. Section 53-1-202, MCA, is amended to read:

"53-1-202. ~~Institutions--in--department~~ Department of corrections and human services. (1) The following ~~institutions~~ components are in the department of corrections and human services to carry out the purposes of the department:

(a) ~~Montana--state--hospital~~ adult corrections services

consisting of the following institutional components to incarcerate and rehabilitate felons pursuant to Title 46, chapter 18:

(i) Montana state prison;

(ii) Swan River forest camp;

(iii) the women's correctional center; and

(iv) appropriate community-based programs for the placement, supervision, and rehabilitation of adult felons who meet the criteria developed by the department for placement:

(A) in prerelease centers;

(B) under intensive supervision;

(C) under parole or probation pursuant to Title 46, chapter 23, part 2; or

(D) in other appropriate programs;

(b) ~~Montana veterans' home at Columbia Falls~~ mental health services consisting of the following institutional components for care and treatment of the mentally ill pursuant to Title 53, chapter 21:

(i) Montana state hospital;

(ii) Montana center for the aged; and

(iii) a community services component consisting of appropriate services for the care and treatment of the mentally ill pursuant to Title 53, chapter 21, part 2;

(c) ~~Montana veterans' home in eastern Montana;~~ chemical

dependency services consisting of appropriate detoxification, inpatient, intensive outpatient, outpatient, prevention, education, and other necessary chemical dependency services pursuant to Title 53, chapter 24;

(d) ~~state prison~~ institutional and residential components of the developmental disabilities system for those developmentally disabled persons who require that care according to Title 53, chapter 20, consisting of:

(i) the Montana developmental center;

(ii) Eastmont human services center;

(e) ~~Montana developmental center~~ veterans' nursing homes for the nursing home and domiciliary care of honorably discharged veterans as provided by law, consisting of:

(i) Montana veterans' home at Columbia Falls; and

(ii) Montana veterans' home at Glendive.

~~(f) Montana center for the aged;~~

~~(g) Swan River forest camp; and~~

~~(h) Eastmont human services center.~~

(2) A state institution may not be moved, discontinued, or abandoned without prior consent of the legislature."

Section 6. Section 53-1-203, MCA, is amended to read:

"**53-1-203. Powers and duties of department.** The department shall:

(1) adopt rules for the admission, custody, transfer, and release of ~~residents of institutions~~ persons in

department programs except as otherwise provided by law; however, no such rules may amend or alter the statutory powers and duties of the state board of pardons;

(2) subject to the functions of the department of administration, lease or purchase lands for use by institutions and classify those lands to determine which are of such character as to be most profitably used for agricultural purposes, taking into consideration the needs of all institutions for the food products that can be grown or produced on the lands and the relative value of agricultural programs in the treatment or rehabilitation of the persons confined in the institutions;

(3) contract with private nonprofit Montana corporations to establish and maintain community based prerelease centers for purposes of preparing inmates of the Montana state prison who are approaching parole eligibility or discharge for release into the community; the centers shall provide a less restrictive environment than the prison while maintaining adequate security; the centers shall be operated in coordination with other department correctional programs, including the supervised release program provided for in Title 46, chapter 23, part 4. Nothing in this subsection shall affect the department's authority to operate and maintain community based prerelease centers in existence on July 14, 1982.

(4) utilize the staff and services of other state agencies and units of the Montana university system, within their respective statutory functions, to carry out its functions under this title;

(5) propose programs to the legislature to meet the projected long-range needs of institutions, including programs and facilities for the diagnosis, treatment, care, and aftercare of persons placed in institutions; and

(6) encourage the establishment of programs at the local level for the prevention and rehabilitation of ~~physical and mental disability~~ disabilities as they relate to mental illness and chemical dependency and encourage the establishment of programs at the local and institutional level for the rehabilitation and education of adult felony offenders."

NEW SECTION. **Section 7.** Effective date. [This act] is effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15
In compliance with a written request, there is hereby submitted a Fiscal Note for HB0848, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act entitled: " An act changing the name of the Department of Institutions and the Director of Institutions to the Department and Director of Corrections and Human Services; defining the components, purpose, powers, and duties of the department; amending sections and providing an effective date."

ASSUMPTIONS:

Department of Institutions:
1. This bill simply changes the name of the department.
2. All letterhead stationery would be used prior to the effective date of change.

Secretary of State:
3. Publication of name change in Montana Administrative Register (MAR) and subsequent alterations to the Administrative Rules of Montana (ARM) will be made under current budget levels for the agency.
4. Standard procedure for changing the ARM will be used by the agency in changing the name of the department and its director.

Legislative Council:
5. The statutory name change required by HB0848 will be accomplished by the Code Commissioner faithfully executing his prescribed duties under 1-11-204, MCA, and can be done within existing responsibilities.

FISCAL IMPACT:

No fiscal impact.

2-18-91
ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

2/19/91
FRANCIS BARDANOUVE, PRIMARY SPONSOR DATE

Fiscal Note for HB0848, as introduced

HB 848

CHAIRMAN--JAN BROWN
NORMAL SCHEDULE==> SITE: ROOM 312-1 DAYS: M,T,W,T,F TIME: 8:00 A.M.
SECRETARY-JUDY BURGGRAFF

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0784	2/12	2/19		DO PASS	APPROPRIATIONS	2/19
O'KEEFE, MARK			REQUIRE SECRETARY OF STATE TO MAINTAIN A LIST OF REGISTERED ELECTORS			
HB0786	2/12				APPROPRIATIONS	
QUILICI, JOE			DIRECTING DEPT OF SRS TO REVISE TRAVEL AND PER DIEM FOR MEDICAID			
HB0794	2/12	2/20		DO PASS		2/26
MCCULLOCH, SCOTT			CLARIFYING THE DEFINITION OF A PAID HOLIDAY			
HB0829	2/13	2/20		DO PASS		2/20
PHILLIPS, JOHN			ALLOW ABSENT SERVICE ELECTORS TO REGISTER & VOTE ABSENTEE BEFORE ELECTION			
HB0830	2/13	2/20		PASS AS AMENDED	APPROPRIATIONS	2/21
PHILLIPS, JOHN			REVISE SUPPLEMENTAL BENEFIT CALCULATION FOR THE POLICE RETIREMENT SYSTEM			
HB0841	2/14				AGRICULTURE	
BERGSAGEL, ERNEST			APPROPRIATE MONEY FROM ALFALFA SEED INDUSTRY ACT TO MONTANA ALFALFA SEED COM			
HB0848	2/14	2/20		DO PASS		2/20
BARDANOUVE, FRANCIS			CREATE DEPARTMENT OF CORRECTIONS			
HB0871	2/14	3/06	3/19	TABLED ON 03/07		
CODY, DOROTHY			TRANSFER CITIZENS' ADVOCATE TO LEGISLATIVE COUNCIL			
HB0873	2/14	2/20		TABLED ON 02/20		
RANEY, BOB			LIMITING THE OUTDOOR LIGHTING OF THE CAPITOL BUILDING			
HB0892	2/15	2/21		TABLED ON 02/22		
BROOKE, VIVIAN			REVISE BALLOT ISSUE CAMPAIGN LAWS			
HB0902	2/16	2/21		PASS AS AMENDED		2/22
GRADY, ED			AUTHORIZE THE SALE OR EXCHANGE OF STATE LAND TO PUBLIC ENTITY			

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIR JAN BROWN**, on February 20, 1991, at 8:00 a.m.

ROLL CALL

Members Present:

Jan Brown, Chair (D)
Vicki Cocchiarella, Vice-Chair (D)
Beverly Barnhart (D)
Gary Beck (D)
Ernest Bergsagel (R)
Fred "Fritz" Daily (D)
Ervin Davis (D)
Jane DeBruycker (D)
Roger DeBruycker (R)
Gary Feland (R)
Gary Forrester (D)
Patrick Galvin (D)
Harriet Hayne (R)
Betty Lou Kasten (R)
John Phillips (R)
Richard Simpkins (R)
Jim Southworth (D)
Wilbur Spring (R)
Carolyn Squires (D)

Staff Present: Sheri Heffelfinger, Legislative Council
Judy Burggraff, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion:

HEARING ON HB 873

Presentation and Opening Statement by Sponsor:

REP. BOB RANEY, House District 82, Livingston, introduced HB 873 to limit the outdoor lighting of the capitol building by saying, "Every now and then you make a stupid mistake, and you have a bill drafted that is stupid. I did that. . . . I wish you would do me a favor and table it before I get out the door.

considering legislation to make the benefits stable. **Ms. King** responded by saying she could not tell the Committee what their job was, but warned the Committee that any changes that are made to retirement benefits cannot be made negatively only positively. "Look forward into the future to see the results of your actions."

REP. SIMPKINS stated the $99,000 cost would "short change" the General Fund. **Ms. King** said she would not use the word "short change," but it will directly offset an amount from the General Fund.

REP. SOUTHWORTH asked Mr. Schneider what the amount of his retirement was in 1970. **Mr. Schneider** said about $365 a month.

Closing by Sponsor:

REP. PHILLIPS said HB 830 is a way to equalize the PRS system. "It is just a little bump for folks that don't get social security." He gave the following figures which represent the difference paid in retirement between the pre-1975 and post-1975 retirees: in Livingston - $11; in Kalispell - $76; in Red Lodge $9.

HEARING ON HB 848

Presentation and Opening Statement by Sponsor:

REP. FRANCIS BARDANOUVE, House District 16, Harlem, introduced HB HB 848, which will change the name from the Department of Institutions (DI) to the Department of Corrections and Human Services, which more aptly and fairly describes the role of the treatments provided. HB 848 defines the role of the Department of Institutions in the year 1991, not in the early 1960's when it was created. The DI was created during Gov. Babcock's term when Sen. Cashmore, Helena, carried the bill in the Senate and Rep. Bardanouve carried the bill in the House. History has changed the role of the DI. This is not a complex bill, it is designed to show the present role of the DI. Prior to the DI's creation, a board of examiners "supposedly" supervised the institutions and each one was "kind of an empire to itself." There were more institutions in the 1960's than there are now. There was the orphans' home and a much larger institution than there now is at Warm Springs. With the changing roles and times and concepts of care for handicapped human beings and for those with physical problems, the DI's role has changed somewhat. The Miles City institution is no longer a part of the DI; the orphans' home has been closed. Now much more emphasis has been placed on the treatment of alcoholism, chemical drug dependency and the mental health field. The function of the DI is no longer just institutions but for treatment -- not only in-house, but across Montana in various programs in assorted local communities.

Proponents' Testimony:

Curt Chisholm, Director, DI, said HB 848 is an important piece of legislation for DI. The name change, and a better articulation of what the nature of the DI is, is in no way intended to diminish the importance of institutional programs. Institutions are needed to anchor the ends of the continuing care scenarios that are extremely important. The DI is a department of human services with clear, primary responsibility to be the state's mental health authority, chemical dependency authority and adult correctional authority. They also provide some institutional services to developmentally disabled individuals and veterans' nursing care services. The name change will start advertising to the general citizenry "what this department is all about and to assist policy makers . . . to have a better understanding of the expectations of the DI." Mr. Chisholm distributed copies of the Enabling Act for the DI. EXHIBIT 3 He then read 53-1-201, RCM, (1) through (6). Institutions were the publicly expected remedy to take care of many of the debilitating problems associated with being mentally ill, retarded or aged. They are also expected to handle correctional problems and to deal with chemical dependency. The DI is administering the following sections of law:

1. The Mental Health Act section of the law in Title 53, Chap. 21, that references the DI to care for each person, who may be seriously mentally ill or suffering from a mental disorder, with such care and treatment as will be suited to the needs of the person to assure that each person is treated appropriately. The DI is to accomplish this goal, whenever possible, in a community-based setting. The DI may accomplish this goal in an institutionalized setting only when less restrictive alternatives are no longer available.

2. In another section of Title 53, the DI is told to contract with nonprofit corporations, specifically mental health centers, to develop comprehensive state-wide mental health programs to educate and to prevent and to treat mental illnesses as best it comprehensively can statewide.

3. In Title 53, Chap. 24, there is an Alcoholism and Drug Dependency Act for the DI to administer. It calls for the development of comprehensive treatment programs state wide, both inpatient and outpatient, to treat the diseases of alcoholism and chemical dependency in a comprehensive continuing care kind of a scenario.

4. Chap. 23 relates to the Developmental Disabilities Act, with the same type of verbiage, and the DI is to administer the Act.

The whole issue is the expectations of the earlier enabling act,

that created the DI, have long since disappeared. There is now an expectation by the Legislature and the federal rule makers that allows the DI to participate in federal entitlement programs and block grants. The DI is now required to: 1) develop comprehensive treatment programs systemically for chemical dependency, mental health, developmental disabilities and in corrections; 2) to provide institutional services for adult felons and to develop appropriate community-based alternatives to incarcerations.

It is appropriate that the public has the proper perception of the DI as they are a department of human services and adult corrections.
Sue L. Wilkins, President, Montana Correctional Association, presented written testimony. EXHIBIT 4

Wally King, Chairman, Board of Visitors, stated the Board met by telephone yesterday. They strongly support HB 848 as written.

Shirley Renders, Helena Alliance for the Mentally Ill, and representing the Montana Alliance for the Mentally Ill by the request of its president. She said they were "very much in favor of this bill, particularly the name change from the Department of Institutions to (the Department of) Corrections and Human Services. We believe it will help alleviate the stigma attached to the word 'institutions,' which is something the Alliance for the Mentally Ill has worked on for a number of years."

John Shontz, Mental Health Association of Montana, said, "We support the legislation as an association. If you read through (the bill) it articulates a change as it narrows the scope in terms of saying what the DI does. . . . It is still a mixed bag, particularly on the human services side. We look forward to a future continuing evolution of the way the state of Montana serves people rather than institutions." He requested HB 848 be placed on the Consent Calendar.

Kathy McGowan, Montana Council of Mental Health Centers (MCMHC), testified MCMHC is comprised of five regional community mental health centers. They, rather than the institutions, serve a majority of the mentally ill in the state. MCMHC feels they are not an institution but a human service. They would like to see the stigma of institutions removed from mental health.

Mike Ruppert, President, Chemical Dependency Programs of Montana (CDPM), and Executive Director, Boyd Andrew Chemical Dependency Care Center in Helena, said CDPM consists of the administrative directors of 22 of the 34 state-approved programs within the state. They unanimously support HB 848. Of the 34 state-approved programs, only 2 are actually part of the institutions of the state. Five percent of the total clients served by the 34 state-approved programs are associated with actual institutions. The human services portion of the name change is clearly much more reflective of the chemical dependency system in the state.

Stigmas must be overcome in order to "access" people who need their help. Many stigmas, stereotypes and false notions are associated with the diseases they treat. One of the false notions is that a person who comes for treatment will be institutionalized. The name change would better facilitate what CDPM does.

REP. WILLIAM MENAHAN said he thought HB 848 "was a step in the right direction." He did not think it went far enough. The DI should be split by moving Boulder and Eastmont to the Department of Family Services (DFS) as all the other people in those areas are under that department. If a person, who is a client at Boulder, is moved to a group home, he is placed under DFS; if he returns, he comes back under the care of the DI. Changing the name is a "great idea." Corrections should be established. The boys and girls correctional homes were moved from the DI. "Something has to be done. You will notice every one of these programs is in trouble. The only one that isn't in trouble is the men's prison. They receive a considerable amount of attention. Seven or 8 years ago the men's prison received $18 million; and they will be receiving $20 million now. The DI really hasn't done "some of the things they should have been doing over the years." He said he was one of their biggest critics. Their new name will include the words human services, "This is a step in the right direction, but management should follow along with that."

Opponents' Testimony: None

Questions From Committee Members:

REP. GARY BECK asked if the DI would expand with the name change. **Mr. Chisholm** said the DI will not expand the base of operations simply because of the change of the name. The Mental Health Act and the Developmental Disabilities Act in 1975 "started the whole institutionalization of a couple of the facilities." People do not understand that buried within the DI is the state's single authority for comprehensively dealing with the problems of mental health issues, alcohol and drug abuse. **REP. BECK** asked how many people are presently employed in the DI and then he asked Mr. Chisholm to go on record to state that he would not hire any more people because of the name change. **Mr. Chisholm** said the DI currently employs over 2,060 employees. It is probably the largest executive department in state government. "I cannot assure you . . . that we will not hire any additional employees. That is all contingent upon changes of the mission of the department that will be subject to legislative approval this session or future sessions." **REP. BECK** said he is worried about how many more people will be added at the administrative level when the name is changed. **Mr. Chisholm** said HB 848 does not imply any expansion of administrative positions in the central office in Helena. "I cannot promise you there will not be one single FTE added to the DI in perpetuity because of this."

REP. FRITZ DAILY said Mr. Chisholm testified there are 2,060 employees. How many employees are there in the central office? **Mr. Chisholm** said there are about 50 employees.

CHAIR BROWN asked Rep. Bardanouve if he wished to respond to Rep. Beck's earlier question concerning HB 848 leading to the expansion of the DI. **REP. BARDANOUVE** said, "I see no way there is any intention of expansion." No Legislator today could say what the policies would be years from now. "Before the creation of the DI, each institution was an empire unto itself. No one supervised or coordinated the institutions. . . . There had to be some centralized agency, which became this department, to supervise, administer and set policy. In recent years, I have not seen an enlargement. There may be (fewer) employees now than there were a few years ago. . . . (HB 848 will) define the role, not enlarge the program."

Closing by Sponsor:

REP. BARDANOUVE said he has seen the evolution -- almost the revolution -- when DI was created. Prior to that time there was almost a territorial department of institutions. The following institutions were still in use when the DI was created: 1) The old Territorial Prison at Deer Lodge which was built in the territorial days by a private contractor who built all the roads in the Deer Lodge valley with the prisoners. Prisoners were contracted for about 25 cents a day from the Territory of Montana. 2) The Warm Springs facility, which was a horrible place with over 1900 patients. The old Territorial Hospital was still in use. 3) Boulder with 900 patients. There has been a "revolution in treatment of people who fall within these fields. It is time we change the name of the facility. It is no longer an institution where you locked (people) up and threw away the keys." The people that testified on HB 848 today weren't even in Montana when the DI was created. There were no mental health programs or alcoholic treatment programs. There were no local organizations that are now associated with and administered by the DI. His "most horrible memory" was when he went to Warm Springs. He entered a large room that contained 30 to 40 mentally ill children with no adult present. Some children were in the corners with the more aggressive children beating up on the docile children. The children were crying. The children grabbed his hands and were desperate for care and treatment. There was urine everywhere on the floor. This is what we had; today they are receiving treatment, and not just in an institution.

HEARING ON HB 293 and HB 294

Presentation and Opening Statement by Sponsor:

REP. LARRY GRINDE, House District 30, Lewistown, introduced HBs 293 and 294 by presenting written testimony. EXHIBIT 5

EXECUTIVE ACTION ON HB 848

Motion: REP. KASTEN MOVED HB 848 DO PASS. The motion carried 17 to 2 with Rep. Fritz and Beck voting no.

EXECUTIVE ACTION ON HB 595

Motion: REP. VICKI COCCHIARELLA MOVED HB 595 DO PASS.

Motion/Vote: REP. COCCHIARELLA moved the amendments to take care of seven officers from four small cities that do not want to be included in the bill. The motion carried unanimously.

Motion/Vote: REP. COCCHIARELLA MOVED HB 595 DO PASS AS AMENDED. The motion carried 14 to 4 with Reps. Simpkins, Bergsagel, Kasten and Feland voting no. EXHIBIT 5A

Donald Driscoll, Mayor, City of Havre, sent a letter endorsing HB 595. It arrived after the hearing on HB 595. EXHIBIT 5B

EXECUTIVE ACTION ON HB 760

Motion: REP. SOUTHWORTH MOVED HB 760 DO PASS.

Discussion:

Ms. Heffelfinger distributed Rep. Davis's amendments to the bill. EXHIBIT 6

Motion: REP. SOUTHWORTH moved the amendments.

Discussion:

CHAIR BROWN asked Rep. Davis if the sponsor of the bill knew what he had done to his bill. REP. DAVIS said no.

REP. SQUIRES asked if the Firefighters know what he has done to the bill. REP. DAVIS said yes. REP. SQUIRES questioned if they concurred. REP. DAVIS said yes.

Vote: HB 760 REP. DAVIS'S AMENDMENT. The motion carried 18 to 1 with Rep. Kasten voting no.

Motion: REP. SOUTHWORTH MOVED HB 760 DO PASS AS AMENDED.

REP. SIMPKINS spoke against the bill. REP. SQUIRES said the bill would go directly to Appropriations and not to the floor of the House. REP. DAVIS said this is what the Firefighters want to do. CHAIR BROWN said the Committee would have to have the majority leader send the bill directly to Appropriations.

HOUSE OF REPRESENTATIVES

STATE ADMINISTRATION COMMITTEE

ROLL CALL DATE 2/20/91

NAME	PRESENT	ABSENT	EXCUSED
REP. JAN BROWN, CHAIRMAN	✓		
REP. VICKI COCCHIARELLA, V.C.	✓		
REP. BEVERLY BARNHART	✓		
REP. GARY BECK	✓		
REP. ERNEST BERGSAGEL	✓		
REP. FRED "FRITZ" DAILY	✓		
REP. ERVIN DAVIS	✓		
REP. JANE DEBRUYCKER	✓		
REP. ROGER DEBRUYCKER	✓		
REP. GARY FELAND	✓		
REP. GARY FORRESTER	✓		
REP. PATRICK GALVIN	✓		
REP. HARRIET HAYNE	✓		
REP. BETTY LOU KASTEN	✓		
REP. JOHN PHILLIPS	✓		
REP. RICHARD SIMPKINS	✓		
REP. JIM SOUTHWORTH	✓		
REP. WILBUR SPRING	✓		
REP. CAROLYN SQUIRES	✓		

CS05STADM.MAN

53-1-106. Exchange of offenders under treaty. If a treaty in effect between the United States and a foreign country provides for the transfer, by exchange or otherwise, of convicted offenders to the country of which they are citizens or nationals, the governor may, on behalf of the state and subject to the terms of the treaty, authorize the director of the department of institutions to consent to the transfer or exchange of offenders in Montana institutions and take any other action necessary to initiate the participation of this state in the treaty.

History: En. Sec. 1, Ch. 300, L. 1985.

Cross-References

Powers and duties of Governor, 2-15-201.

EXHIBIT 3
DATE 2-20-91
HB 848

Part 2

Department of Institutions

Part Cross-References

Department of Institutions — head, 2-15-2301.

Cooperative agreements with district weed boards, 7-22-2151.

53-1-201. Purpose of department. The department shall utilize at maximum efficiency the resources of state government in a coordinated effort to:

(1) restore the physically or mentally disabled;

(2) rehabilitate the violators of law;

(3) sustain the vigor and dignity of the aged;

(4) train children of limited mental capacity to their best potential;

(5) rededicate the resources of the state to the productive independence of its now dependent citizens; and

(6) coordinate and apply the principles of modern institutional administration to the institutions of the state.

History: En. Sec. 1, Ch. 199, L. 1965; amd. Sec. 38, Ch. 120, L. 1974; R.C.M. 1947, 80-1401; amd. Sec. 69, Ch. 609, L. 1987.

53-1-202. Institutions in department. (1) The following institutions are in the department:

(a) Montana state hospital;

(b) Montana veterans' home at Columbia Falls;

(c) Montana veterans' home in eastern Montana;

(d) state prison;

(e) Montana developmental center;

(f) Montana center for the aged;

(g) Swan River forest camp; and

(h) Eastmont human services center.

(2) A state institution may not be moved, discontinued, or abandoned without prior consent of the legislature.

History: En. Sec. 3, Ch. 199, L. 1965; amd. Sec. 1, Ch. 320, L. 1967; amd. Sec. 1, Ch. 280, L. 1969; amd. Sec. 40, Ch. 120, L. 1974; R.C.M. 1947, 80-1403; amd. Sec. 174, Ch. 575, L. 1981; amd. Sec. 1, Ch. 132, L. 1983; amd. Sec. 11, Ch. 361, L. 1983; amd. Sec. 10, Ch. 363, L. 1983; amd. Sec. 2, Ch. 151, L. 1985; amd. Sec. 10, Ch. 14, Sp. L. June 1986; amd. Sec. 70, Ch. 609, L. 1987; amd. Sec. 15, Ch. 683, L. 1989.

Compiler's Comments

1989 Amendment: In (1)(b) inserted "at Columbia Falls"; and inserted (1)(c) that read: "(c) Montana veterans' home in eastern Montana". Amendment effective May 16, 1989.

53-1-203. Powers and duties of department. The department shall:

(1) adopt rules for the admission, custody, transfer, and release of residents of institutions except as otherwise provided by law; however, no such rules may amend or alter the statutory powers and duties of the state board of pardons;

(2) subject to the functions of the department of administration, lease or purchase lands for use by institutions and classify those lands to determine which are of such character as to be most profitably used for agricultural purposes, taking into consideration the needs of all institutions for the food products that can be grown or produced on the lands and the relative value of agricultural programs in the treatment or rehabilitation of the persons confined in the institutions;

(3) contract with private nonprofit Montana corporations to establish and maintain community based prerelease centers for purposes of preparing inmates of the Montana state prison who are approaching parole eligibility or discharge for release into the community; the centers shall provide a less restrictive environment than the prison while maintaining adequate security; the centers shall be operated in coordination with other department correctional programs, including the supervised release program provided for in Title 46, chapter 23, part 4. Nothing in this subsection shall affect the department's authority to operate and maintain community based prerelease centers in existence on July 14, 1982.

(4) utilize the staff and services of other state agencies and units of the Montana university system, within their respective statutory functions, to carry out its functions under this title;

(5) propose programs to the legislature to meet the projected long-range needs of institutions, including programs and facilities for the diagnosis, treatment, care, and aftercare of persons placed in institutions; and

(6) encourage the establishment of programs at the local level for the prevention and rehabilitation of physical and mental disability.

History: En. Sec. 5, Ch. 199, L. 1965; amd. Sec. 3, Ch. 320, L. 1967; amd. Sec. 33, Ch. 93, L. 1969; amd. Sec. 41, Ch. 120, L. 1974; amd. Sec. 43, Ch. 37, L. 1977; R.C.M. 1947, 80-1405; amd. Sec. 1, Ch. 4, Sp. L. 1982.

Compiler's Comments

Effective Date: Section 2, Ch. 518, L. 1989, provided that this act is effective April 13, 1989.

Plan for Housing Female Inmates Required — Submission to 52nd Legislature: Chapter 518, L. 1989, requiring development of a plan for housing female inmates, provided: "(1) The department of institutions, in cooperation with the criminal justice and corrections advisory council, shall develop a comprehensive plan for housing adult female inmates. The plan must:

(a) consider the need for building a new correctional facility, as well as other incarceration alternatives;

(b) provide for adequate educational, treatment, training, and employment opportunities for female inmates;

(c) comply with the standards published by the American correctional association's commission on accreditation for corrections, whenever feasible; and

(d) contain proposed legislation for implementing the plan, if appropriate.

(2) The department shall submit the plan to the 52nd legislature."

Cross-References

Rule defined — applicability of Montana Administrative Procedure Act, 2-4-102.

Adoption and publication of rules, Title 2, ch. 4, part 3.

General powers and duties of Department of Administration, 18-2-105.

General provisions of Board of Pardons, Title 46, ch. 23, part 1.

Disposition of contraband in correctional institution, 53-1-105.

Community-based services, Title 53, ch. 20, part 2.

53-1-204. Responsibility of warden and superintendents of institutions. The warden or superintendents of institutions in the department are

EXHIBIT 4
DATE 2-20-91
HB 848

MONTANA CORRECTIONAL ASSOCIATION

February 20, 1991

Dear Madame Chair and Committee Members,

The Montana Correctional Association is composed of approximately 150 individuals involved in virtually all aspects of the correctional system. Our membership includes representatives from law enforcement, adult institutions, State adult parole and probation, adult pre-release centers, Federal probation, juvenile institutions, juvenile aftercare, juvenile probation, the Board of Pardons, county attorneys, public defenders, and judges. The Association recognizes that each area of the correctional field impacts another, that there are many such areas, and that it is important to have knowledge of each area in order to understand the affects the system produces as a whole.

House Bill #848 is proposing that a new name be given to the Department of Institutions, that being the "Department of Corrections and Human Services". The Montana Correctional Association supports this bill as the proposed name gives a more accurate portrayal to the general public of the vast array of services Departmental employees provide. These services include chemical dependency treatment, psychological and mental health services, educational programs, career planning, and basic life skills training. The services are not limited to an institutional setting and in fact, numerous clients are served by the Department who will never enter an institutional facility.

The Montana Correctional Association is pleased that the Department has submitted this Bill as the proposed name recognizes that our membership is a "system" which coordinates its efforts and provides a variety of human services. Your serious consideration of this proposal is appreciated.

Sincerely,

Sue L. Wilkins, President
Montana Correctional Association
411 Livingston
Missoula, MT 59801
(406) 543-7952 or 728-5610

20

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

STATE ADMINISTRATION COMMITTEE BILL NO. HB 848

DATE 2/20/91 SPONSOR(S) REP. BARDANOUVE

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
W. A. King	Bd of Visitors	✓	
Sue L. Wilkins - Missoula, MT	Montana Correctional Association	X	
Shirley Rowden	Mont. Alliance for the Mentally Ill Helena "	✓	
John Shontz	Mental Health Assoc.	✓	
Kathy McDowan	MCMHC	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

1.05
2-20-91
JDB

HOUSE STANDING COMMITTEE REPORT

February 20, 1991

Mr. Speaker: We, the committee on State Administration report that House Bill 848 (first reading copy -- white) do pass .

Signed: _____
Jan Brown, Chairman

HOUSE BILL NO. 848

INTRODUCED BY Ballanger

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE NAME OF THE DEPARTMENT OF INSTITUTIONS AND THE DIRECTOR OF INSTITUTIONS TO THE DEPARTMENT AND DIRECTOR OF CORRECTIONS AND HUMAN SERVICES; DEFINING THE COMPONENTS, PURPOSE, POWERS, AND DUTIES OF THE DEPARTMENT; AMENDING SECTIONS 2-15-104, 2-15-2301, 53-1-201, 53-1-202, AND 53-1-203, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Name change -- instructions to code commissioner.** (1) The names of the department and the director of institutions are changed to the department and the director of corrections and human services.

(2) Wherever the terms "department of institutions" or "department" (of institutions) and "director of institutions" or "director" (of institutions) appear in the Montana Code Annotated, the code commissioner shall change the terms to the "department of corrections and human services" or "department" (of corrections and human services) and "director of corrections and human services" or "director" (of corrections and human services), as appropriate, and conform internal references and grammar to the changes.

Section 2. Section 2-15-104, MCA, is amended to read:

"**2-15-104. Structure of executive branch.** (1) In accordance with the constitution, all executive and administrative offices, boards, commissions, agencies, and instrumentalities of the executive branch of state government and their respective functions are allocated by this chapter among and within the following departments or entities:

(a) department of administration;

(b) department of military affairs;

(c) department of revenue;

(d) state board of education;

(e) department of labor and industry;

(f) department of commerce;

(g) department of justice;

(h) department of health and environmental sciences;

(i) department of social and rehabilitation services;

(j) department of ~~institutions~~ corrections and human services;

(k) department of highways;

(l) department of public service regulation;

(m) department of agriculture;

(n) department of livestock;

THIRD READING

HB 848

(o) department of state lands;

(p) department of natural resources and conservation;

(q) department of fish, wildlife, and parks;

(r) department of family services.

(2) For its internal structure, each department shall adhere to the following standard terms:

(a) The principal unit of a department is a division. Each division shall be headed by an administrator.

(b) The principal unit of a division is a bureau. Each bureau shall be headed by a chief.

(c) The principal unit of a bureau is a section. Each section shall be headed by a supervisor."

Section 3. Section 2-15-2301, MCA, is amended to read:

"**2-15-2301. Department of ~~institutions~~ corrections and human services -- head.** There is a department of ~~institutions~~ corrections and human services. The department head is a director of ~~institutions~~ corrections and human services appointed by the governor in accordance with 2-15-111."

Section 4. Section 53-1-201, MCA, is amended to read:

"**53-1-201. Purpose of department.** The department shall utilize at maximum efficiency the resources of state government in a coordinated effort to:

(1) develop and maintain comprehensive services and programs in the fields of:

~~(1) restore the physically or mentally disabled;~~

~~(2) rehabilitate the violators of law;~~

~~(3) sustain the vigor and dignity of the aged;~~

~~(4) train children of limited mental capacity to their best potential;~~

~~(5) rededicate the resources of the state to the productive independence of its now dependent citizens; and~~

~~(6) coordinate and apply the principles of modern institutional administration to the institutions of the state;~~

(a) adult corrections;

(b) mental health; and

(c) chemical dependency; and

(2) provide inpatient institutional care for developmentally disabled persons who require that care according to the requirements of Title 53, chapter 20; and

(3) provide nursing home care for honorably discharged veterans as provided by law."

Section 5. Section 53-1-202, MCA, is amended to read:

"**53-1-202. ~~Institutions in department~~ Department of corrections and human services.** (1) The following ~~institutions~~ components are in the department of corrections and human services to carry out the purposes of the department:

(a) ~~Montana state hospital~~ adult corrections services

consisting of the following institutional components to incarcerate and rehabilitate felons pursuant to Title 46, chapter 18:

(i) Montana state prison;

(ii) Swan River forest camp;

(iii) the women's correctional center; and

(iv) appropriate community-based programs for the placement, supervision, and rehabilitation of adult felons who meet the criteria developed by the department for placement:

(A) in prerelease centers;

(B) under intensive supervision;

(C) under parole or probation pursuant to Title 46, chapter 23, part 2; or

(D) in other appropriate programs;

(b) ~~Montana veterans' home at Columbia Falls~~ mental health services consisting of the following institutional components for care and treatment of the mentally ill pursuant to Title 53, chapter 21:

(i) Montana state hospital;

(ii) Montana center for the aged; and

(iii) a community services component consisting of appropriate services for the care and treatment of the mentally ill pursuant to Title 53, chapter 21, part 2;

(c) ~~Montana veterans' home in eastern Montana;~~ chemical

dependency services consisting of appropriate detoxification, inpatient, intensive outpatient, outpatient, prevention, education, and other necessary chemical dependency services pursuant to Title 53, chapter 24;

(d) ~~state prison~~ institutional and residential components of the developmental disabilities system for those developmentally disabled persons who require that care according to Title 53, chapter 20, consisting of:

(i) the Montana developmental center;

(ii) Eastmont human services center;

(e) ~~Montana developmental center~~ veterans' nursing homes for the nursing home and domiciliary care of honorably discharged veterans as provided by law, consisting of:

(i) Montana veterans' home at Columbia Falls; and

(ii) Montana veterans' home at Glendive.

~~(f) Montana center for the aged;~~

~~(g) Swan River forest camp; and~~

~~(h) Eastmont human services center.~~

(2) A state institution may not be moved, discontinued, or abandoned without prior consent of the legislature."

Section 6. Section 53-1-203, MCA, is amended to read:

"**53-1-203. Powers and duties of department.** The department shall:

(1) adopt rules for the admission, custody, transfer, and release of ~~residents of institutions~~ persons in

department programs except as otherwise provided by law; however, no such rules may amend or alter the statutory powers and duties of the state board of pardons;

(2) subject to the functions of the department of administration, lease or purchase lands for use by institutions and classify those lands to determine which are of such character as to be most profitably used for agricultural purposes, taking into consideration the needs of all institutions for the food products that can be grown or produced on the lands and the relative value of agricultural programs in the treatment or rehabilitation of the persons confined in the institutions;

(3) contract with private nonprofit Montana corporations to establish and maintain community based prerelease centers for purposes of preparing inmates of the Montana state prison who are approaching parole eligibility or discharge for release into the community; the centers shall provide a less restrictive environment than the prison while maintaining adequate security; the centers shall be operated in coordination with other department correctional programs, including the supervised release program provided for in Title 46, chapter 23, part 4. Nothing in this subsection shall affect the department's authority to operate and maintain community based prerelease centers in existence on July 14, 1982.

(4) utilize the staff and services of other state agencies and units of the Montana university system, within their respective statutory functions, to carry out its functions under this title;

(5) propose programs to the legislature to meet the projected long-range needs of institutions, including programs and facilities for the diagnosis, treatment, care, and aftercare of persons placed in institutions; and

(6) encourage the establishment of programs at the local level for the prevention and rehabilitation of ~~physical and mental disability~~ disabilities as they relate to mental illness and chemical dependency and encourage the establishment of programs at the local and institutional level for the rehabilitation and education of adult felony offenders."

NEW SECTION. **Section 7. Effective date.** [This act] is effective July 1, 1991.

-End-

CHAIRMAN--ELEANOR VAUGHN
NORMAL SCHEDULE==> SITE: ROOM 331 DAYS: M,T,W,T,F TIME: 10:00 A.M.
SECRETARY-DELORES HARRIS

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0817	2/26	3/19		CONCUR		3/20
JOHNSON, ROYAL			ALLOWING STATE AID TO PUBLIC LIBRARIES CREATED UNDER TITLE 7			
HB0829	2/25	3/11		CONCUR AS AMENDED		3/14
PHILLIPS, JOHN			ALLOW ABSENT SERVICE ELECTORS TO REGISTER & VOTE ABSENTEE BEFORE ELECTION			
HB0830	3/28	4/08		CONCUR		4/08
PHILLIPS, JOHN			REVISE SUPPLEMENTAL BENEFIT CALCULATION FOR THE POLICE RETIREMENT SYSTEM			
HB0841	3/28	4/08		CONCUR		4/08
BERGSAGEL, ERNEST			APPROPRIATE MONEY FROM ALFALFA SEED INDUSTRY ACT TO MONTANA ALFALFA SEED COM			
HB0846	2/27				LABOR & EMPLOYMENT	
MENAHAN, RED			ALLOW PUBLIC INSPECTION OF BIDS AND PROPOSALS FOR PRIVATIZATION OF SERVICES			
HB0848	2/26	3/13		CONCUR		3/13
BARDANOUVE, FRANCIS			CREATE DEPARTMENT OF CORRECTIONS			
HB0866	3/28	4/09		CONCUR AS AMENDED		4/10
BROWN, DAVE			REORGANIZE ENVIRONMENTAL FUNCTIONS OF STATE GOVERNMENT			
HB0896	2/27	3/14		CONCUR AS AMENDED		4/10
PETERSON, MARY LOU			GENERALLY REVISE FIRE MARSHAL LAW			
HB0902	2/26	3/13		CONCUR		3/13
GRADY, ED			AUTHORIZE THE SALE OR EXCHANGE OF STATE LAND TO PUBLIC ENTITY			
HB0941	2/25	3/11		CONCUR		3/11
BENEDICT, STEVE			ALLOW MEMBERS IN SHERIFFS' RETIREMENT TO PURCHASE ADDITIONAL SERVICE			
HB0945	2/26	3/13		TABLED ON 04/18		
BRADLEY, DOROTHY			VACATION LEAVE POOL FOR ACTIVE DUTY EMPLOYEES			

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MINUTES

MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairperson Eleanor Vaughn, on March 13, 1991, at 10 A.M. in room 331.

ROLL CALL

Members Present:
Eleanor Vaughn, Chairman (D)
Bob Pipinich, Vice Chairman (D)
John Jr. Anderson (R)
Chet Blaylock (D)
James Burnett (R)
Bill Farrell (R)
Harry Fritz (D)
Bob Hockett (D)
Jack Rea (D)

Members Excused: Senator Bernie Swift

Staff Present: David Niss (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: None

HEARING ON HOUSE BILL 848

Presentation and Opening Statement by Sponsor:

Representative Francis Bardanouve, House District 16, said House Bill 848 will change the name of the Department of Institutions and the Director of Institutions to the Department and Director of Corrections and Human Services. It defines and clarifies the components, purpose, powers and duties of the department. The Department of Institutions was created in 1953 under Governor Babcock and was run by the Board of Examiners. Since then its duties have evolved into a huge department. Mr. Connolly, who built all the roads in Deer Lodge County, built the prison to keep the prisoners who worked on the roads incarcerated. Warm Springs, which was called the lunatic asylum, was built in territorial days by a German psychiatrist. In those days the roll of the department was incarceration and confinement. Present duties include treatment programs, and deinstitutionalizing programs, as well. Emphasis is being placed on treatment and care on the local level with the drug treatment program, the alcohol treatment program, and the mentally ill

treatment program. Developmentally disabled, parole officers, corrections officers, community centers, Women's Facility at Billings and various other facilities are also handled by this department. So a name change is appropriate. Thank you for the hearing.

Proponents' Testimony:

Curt Chisholm, Director of the Department of Institutions, said this legislation proposes 2 changes to the laws that impact his department. The first is to change the name of the department, and secondly, to better articulate the mission of the department. When the department was initially established, it was responsible for institutions, wherever they existed across the state. With the passage of the Mental Health Commitment Act and the Developmental Disabilities Commitment Act, and with the assumption of all chemical dependency programs into the department from the Governor's office, they are expected to manage the affairs of all chemical dependency programs state wide comprehensively for both inpatient and outpatient. He passed out copies of the current law that outlines the purpose of the department. (Exhibit 1) If you check the Mental Health Act, Title 51, Chapter 21, it is very clear what the expectations are. We are to develop comprehensive mental health programs statewide both inpatient and outpatient levels of care. The Alcoholism and Drug Dependence Act, Title 53, Chapter 24, mandates comprehensive treatment, educational prevention responsibilities for the department both on an inpatient basis and the outpatient basis. The Developmental Disabilities Act, Title 53, Chapter 20, mandates the same kind of care. Because we participate in Federal entitlement programs, we are expected to continue care responsibilities for inpatient (institutional) and outpatient modalities in the communities. He believes we should clarify perceptually the role of his department, because it is a human service delivery agency, that has comprehensive responsibility for all adult correctional programs.

Sue L. Wilkins, President of the Montana Corrections Association, lives in Missoula and was unable to appear so she sent written testimony. (Exhibit 2)

Patrick Pope, President of the Helena Alliance for the Mentally Ill, supports House Bill 848.

Mike Ruppert, President of Chemical Dependency Programs of Montana and Executive Director of the Boyd Andrew Chemical Care Center in Helena, supports this bill. Part of their mission is to reduce the impact of the disease of chemical dependency. He thinks a name change will better facilitate their being able to manage their problems in the communities.

Kathy McGowan, Montana Council of Mental Health Centers, supports House Bill 848 because there are so many people who receive these services in communities rather than in institutions. Those in

treatment program. Developmentally disabled, parole officers, corrections officers, community centers, Women's Facility at Billings and various other facilities are also handled by this department. So a name change is appropriate. Thank you for the hearing.

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Kathy McGowan, Montana Council of Mental Health Centers, supports House Bill 848 because there are so many people who receive these services in communities rather than in institutions. Those in

EXECUTIVE ACTION ON HOUSE BILL 848

Motion:

Senator Blaylock moved that we DO CONCUR IN HOUSE BILL 848.

Discussion:

Senator Fritz said he doesn't like this new name. Corrections and human services are two different things. It seems they are in opposition. He suggested corrections and community services.

Senator Burnett said he likes the name they presently have.

Senator Rea asked will this help their money supply? No.

Senator Fritz said there is considerable overlap in social rehabilitating services.

Senator Hockett said they say in the statutes human services and why haven't they thought the name through further.

Recommendation and Vote:

The VOTE was 7 yes and Senator Burnett voted no. The motion to do concur in House Bill 848 carried. Senator Blaylock will carry it to the Senate floor.

HEARING ON HOUSE BILL 902

Presentation and Opening Statement by Sponsor:

Representative Ed Grady, House District 47, said House Bill 902 authorizes the sale of state land to, or the exchange of state land with other public entities. Any lands may be sold or exchanged for other land or for other consideration with another public entity on terms or in the manner as the Board, after consultation with the appropriate legislative committee, may determine to be in the state's best interest, subject to the enabling act of the Constitutional restrictions. This clears up some state lands that are sitting beneath the fair grounds in Lewis and Clark County and Jefferson County in Boulder, plus there is other property around the state. The leases are given at very low income. Because of the liability and the recurring cost the state may have to this property, we need to transfer it to the cities and counties that have built fair ground complexes. They can make better public use, they can invest more local funds and they can apply for other funds, if they own the land their buildings are built upon.

ROLL CALL

STATE ADMINISTRATION COMMITTEE

DATE 3-13-91

52 LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR ELEANOR VAUGHN	X		
SENATOR BOB PIPINICH	X		
SENATOR JOHN ANDERSON	X		
SENATOR CHET BLAYLOCK	X		
SENATOR JAMES BURNETT	X		
SENATOR "BILL" FARRELL	X		
SENATOR HARRY FRITZ	X		
SENATOR BOB HOCKETT	X		
SENATOR JACK "DOC" REA	X		
SENATOR BERNIE SWIFT			excused

Each day attach to minutes.

53-1-106. Exchange of offenders under treaty. If a treaty in effect between the United States and a foreign country provides for the transfer, by exchange or otherwise, of convicted offenders to the country of which they are citizens or nationals, the governor may, on behalf of the state and subject to the terms of the treaty, authorize the director of the department of institutions to consent to the transfer or exchange of offenders in Montana institutions and take any other action necessary to initiate the participation of this state in the treaty.

History: En. Sec. 1, Ch. 300, L. 1985.

Cross-References
Powers and duties of Governor, 2-15-201.

SENATE STATE ADMIN.
EXHIBIT NO. 1
DATE 3-13-91
BILL NO. HB 848

Part 2
Department of Institutions

Part Cross-References
Department of Institutions — head, 2-15-2301.
Cooperative agreements with district weed boards, 7-22-2151.

53-1-201. Purpose of department. The department shall utilize at maximum efficiency the resources of state government in a coordinated effort to:

(1) restore the physically or mentally disabled;
(2) rehabilitate the violators of law;
(3) sustain the vigor and dignity of the aged;
(4) train children of limited mental capacity to their best potential;
(5) rededicate the resources of the state to the productive independence of its now dependent citizens; and
(6) coordinate and apply the principles of modern institutional administration to the institutions of the state.

History: En. Sec. 1, Ch. 199, L. 1965; amd. Sec. 38, Ch. 120, L. 1974; R.C.M. 1947, 80-1401; amd. Sec. 69, Ch. 609, L. 1987.

53-1-202. Institutions in department. (1) The following institutions are in the department:

(a) Montana state hospital;
(b) Montana veterans' home at Columbia Falls;
(c) Montana veterans' home in eastern Montana;
(d) state prison;
(e) Montana developmental center;
(f) Montana center for the aged;
(g) Swan River forest camp; and
(h) Eastmont human services center.

(2) A state institution may not be moved, discontinued, or abandoned without prior consent of the legislature.

History: En. Sec. 3, Ch. 199, L. 1965; amd. Sec. 1, Ch. 320, L. 1967; amd. Sec. 1, Ch. 280, L. 1969; amd. Sec. 40, Ch. 120, L. 1974; R.C.M. 1947, 80-1403; amd. Sec. 174, Ch. 575, L. 1981; amd. Sec. 1, Ch. 132, L. 1983; amd. Sec. 11, Ch. 361, L. 1983; amd. Sec. 10, Ch. 363, L. 1983; amd. Sec. 2, Ch. 151, L. 1985; amd. Sec. 10, Ch. 14, Sp. L. June 1986; amd. Sec. 70, Ch. 609, L. 1987; amd. Sec. 15, Ch. 683, L. 1989.

Compiler's Comments
1989 Amendment: In (1)(b) inserted "at Columbia Falls"; and inserted (1)(c) that read: "(c) Montana veterans' home in eastern Montana". Amendment effective May 16, 1989.

53-1-203. Powers and duties of department. The department shall:

(1) adopt rules for the admission, custody, transfer, and release of residents of institutions except as otherwise provided by law; however, no such rules may amend or alter the statutory powers and duties of the state board of pardons;

(2) subject to the functions of the department of administration, lease or purchase lands for use by institutions and classify those lands to determine which are of such character as to be most profitably used for agricultural purposes, taking into consideration the needs of all institutions for the food products that can be grown or produced on the lands and the relative value of agricultural programs in the treatment or rehabilitation of the persons confined in the institutions;

(3) contract with private nonprofit Montana corporations to establish and maintain community based prerelease centers for purposes of preparing inmates of the Montana state prison who are approaching parole eligibility or discharge for release into the community; the centers shall provide a less restrictive environment than the prison while maintaining adequate security; the centers shall be operated in coordination with other department correctional programs, including the supervised release program provided for in Title 46, chapter 23, part 4. Nothing in this subsection shall affect the department's authority to operate and maintain community based prerelease centers in existence on July 14, 1982.

(4) utilize the staff and services of other state agencies and units of the Montana university system, within their respective statutory functions, to carry out its functions under this title;

(5) propose programs to the legislature to meet the projected long-range needs of institutions, including programs and facilities for the diagnosis, treatment, care, and aftercare of persons placed in institutions; and

(6) encourage the establishment of programs at the local level for the prevention and rehabilitation of physical and mental disability.

History: En. Sec. 5, Ch. 199, L. 1965; amd. Sec. 3, Ch. 320, L. 1967; amd. Sec. 33, Ch. 93, L. 1969; amd. Sec. 41, Ch. 120, L. 1974; amd. Sec. 43, Ch. 37, L. 1977; R.C.M. 1947, 80-1405; amd. Sec. 1, Ch. 4, Sp. L. 1982.

Compiler's Comments

Effective Date: Section 2, Ch. 518, L. 1989, provided that this act is effective April 13, 1989.

Plan for Housing Female Inmates Required — Submission to 52nd Legislature: Chapter 518, L. 1989, requiring development of a plan for housing female inmates, provided: "(1) The department of institutions, in cooperation with the criminal justice and corrections advisory council, shall develop a comprehensive plan for housing adult female inmates. The plan must:

(a) consider the need for building a new correctional facility, as well as other incarceration alternatives;

(b) provide for adequate educational, treatment, training, and employment opportunities for female inmates;

(c) comply with the standards published by the American correctional association's commission on accreditation for corrections, whenever feasible; and

(d) contain proposed legislation for implementing the plan, if appropriate.

(2) The department shall submit the plan to the 52nd legislature."

Cross-References

Rule defined — applicability of Montana Administrative Procedure Act, 2-4-102.

Adoption and publication of rules, Title 2, ch. 4, part 3.

General powers and duties of Department of Administration, 18-2-105.

General provisions of Board of Pardons, Title 46, ch. 23, part 1.

Disposition of contraband in correctional institution, 53-1-105.

Community-based services, Title 53, ch. 20, part 2.

53-1-204. Responsibility of warden and superintendents of institutions. The warden or superintendents of institutions in the department are

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SENATE STATE ADMIN.
EXHIBIT NO. 2
DATE 3-13-91
BILL NO. HB 848

MONTANA CORRECTIONAL ASSOCIATION

February 20, 1991

Dear Madame Chair and Committee Members,

The Montana Correctional Association is composed of approximately 150 individuals involved in virtually all aspects of the correctional system. Our membership includes representatives from law enforcement, adult institutions, State adult parole and probation, adult pre-release centers, Federal probation, juvenile institutions, juvenile aftercare, juvenile probation, the Board of Pardons, county attorneys, public defenders, and judges. The Association recognizes that each area of the correctional field impacts another, that there are many such areas, and that it is important to have knowledge of each area in order to understand the affects the system produces as a whole.

House Bill #848 is proposing that a new name be given to the Department of Institutions, that being the "Department of Corrections and Human Services". The Montana Correctional Association supports this bill as the proposed name gives a more accurate portrayal to the general public of the vast array of services Departmental employees provide. These services include chemical dependency treatment, psychological and mental health services, educational programs, career planning, and basic life skills training. The services are not limited to an institutional setting and in fact, numerous clients are served by the Department who will never enter an institutional facility.

The Montana Correctional Association is pleased that the Department has submitted this Bill as the proposed name recognizes that our membership is a "system" which coordinates its efforts and provides a variety of human services. Your serious consideration of this proposal is appreciated.

Sincerely,

Sue L. Wilkins, President
Montana Correctional Association
411 Livingston
Missoula, MT 59801
(406) 543-7952 or 728-5610

DATE March 13, 1991

COMMITTEE ON State Administration

HB848, HB902, HB945, HJR 34

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppos
John McCarthy	Common Cause/MT	HJ 34	✓	
Jim Edgcomb	Dept of Admin/Personnel Div	HB 945		
DAVID HEMION	HELENA CHAMBER/COMMERCE	HB902	✓	
Shawn Gun Shaws	Montana Alliance For Prog. Pol.	HJR 34	✓	
John Connor	Self	HB945	✓	
Paula Grossman	Self	HB 902	✓	
Terry Moore	Board of Visitors	HB 848	✓	
Kathy McDowan	MCMHC	"	✓	
PATRICK POPE	HELENA AMI	"	✓	
Mike Kuppen	CDPM	HB 848	✓	
George O. Potts	United Vietnam Com. of MT.	HB945	✓	
Nancy Harte	Secretary of State	HJR34	✓	

(Please leave prepared statement with Secretary)

HOUSE BILL NO. 848

INTRODUCED BY BARDANOUVE

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE NAME OF THE DEPARTMENT OF INSTITUTIONS AND THE DIRECTOR OF INSTITUTIONS TO THE DEPARTMENT AND DIRECTOR OF CORRECTIONS AND HUMAN SERVICES; DEFINING THE COMPONENTS, PURPOSE, POWERS, AND DUTIES OF THE DEPARTMENT; AMENDING SECTIONS 2-15-104, 2-15-2301, 53-1-201, 53-1-202, AND 53-1-203, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Name change -- instructions to code commissioner.** (1) The names of the department and the director of institutions are changed to the department and the director of corrections and human services.

(2) Wherever the terms "department of institutions" or "department" (of institutions) and "director of institutions" or "director" (of institutions) appear in the Montana Code Annotated, the code commissioner shall change the terms to the "department of corrections and human services" or "department" (of corrections and human services) and "director of corrections and human services" or "director" (of corrections and human services), as appropriate, and conform internal references and grammar to the changes.

Section 2. Section 2-15-104, MCA, is amended to read:

"**2-15-104. Structure of executive branch.** (1) In accordance with the constitution, all executive and administrative offices, boards, commissions, agencies, and instrumentalities of the executive branch of state government and their respective functions are allocated by this chapter among and within the following departments or entities:

(a) department of administration;

(b) department of military affairs;

(c) department of revenue;

(d) state board of education;

(e) department of labor and industry;

(f) department of commerce;

(g) department of justice;

(h) department of health and environmental sciences;

(i) department of social and rehabilitation services;

(j) department of ~~institutions~~ corrections and human services;

(k) department of highways;

(l) department of public service regulation;

(m) department of agriculture;

(n) department of livestock;

REFERENCE BILL

(o) department of state lands;

(p) department of natural resources and conservation;

(q) department of fish, wildlife, and parks;

(r) department of family services.

(2) For its internal structure, each department shall adhere to the following standard terms:

(a) The principal unit of a department is a division. Each division shall be headed by an administrator.

(b) The principal unit of a division is a bureau. Each bureau shall be headed by a chief.

(c) The principal unit of a bureau is a section. Each section shall be headed by a supervisor."

Section 3. Section 2-15-2301, MCA, is amended to read:

"**2-15-2301. Department of ~~institutions~~** corrections and human services **-- head.** There is a department of ~~institutions~~ corrections and human services. The department head is a director of ~~institutions~~ corrections and human services appointed by the governor in accordance with 2-15-111."

Section 4. Section 53-1-201, MCA, is amended to read:

"**53-1-201. Purpose of department.** The department shall utilize at maximum efficiency the resources of state government in a coordinated effort to:

(1) develop and maintain comprehensive services and programs in the fields of:

~~(1)--restore-the-physically-or-mentally-disabled;~~

~~(2)--rehabilitate-the-violators-of-law;~~

~~(3)--sustain-the-vigor-and-dignity-of-the-aged;~~

~~(4)--train-children-of-limited-mental-capacity-to--their best-potential;~~

~~(5)--rededicate--the--resources--of--the--state--to--the productive-independence-of-its-now-dependent-citizens;-and~~

~~(6)--coordinate--and--apply--the--principles--of--modern institutional--administration--to--the--institutions--of-the state;~~

(a) adult corrections;

(b) mental health; and

(c) chemical dependency; and

(2) provide inpatient institutional care for developmentally disabled persons who require that care according to the requirements of Title 53, chapter 20; and

(3) provide nursing home care for honorably discharged veterans as provided by law."

Section 5. Section 53-1-202, MCA, is amended to read:

"**53-1-202. ~~Institutions--in--department~~** Department of corrections and human services. (1) The following ~~institutions~~ components are in the department of corrections and human services to carry out the purposes of the department:

(a) ~~Montana--state--hospital~~ adult corrections services

consisting of the following institutional components to incarcerate and rehabilitate felons pursuant to Title 46, chapter 18:

(i) Montana state prison;

(ii) Swan River forest camp;

(iii) the women's correctional center; and

(iv) appropriate community-based programs for the placement, supervision, and rehabilitation of adult felons who meet the criteria developed by the department for placement:

(A) in prerelease centers;

(B) under intensive supervision;

(C) under parole or probation pursuant to Title 46, chapter 23, part 2; or

(D) in other appropriate programs;

(b) ~~Montana veterans' home at Columbia Falls~~ mental health services consisting of the following institutional components for care and treatment of the mentally ill pursuant to Title 53, chapter 21:

(i) Montana state hospital;

(ii) Montana center for the aged; and

(iii) a community services component consisting of appropriate services for the care and treatment of the mentally ill pursuant to Title 53, chapter 21, part 2;

(c) ~~Montana veterans' home in eastern Montana;~~ chemical

dependency services consisting of appropriate detoxification, inpatient, intensive outpatient, outpatient, prevention, education, and other necessary chemical dependency services pursuant to Title 53, chapter 24;

(d) ~~state prison~~ institutional and residential components of the developmental disabilities system for those developmentally disabled persons who require that care according to Title 53, chapter 20, consisting of:

(i) the Montana developmental center;

(ii) Eastmont human services center;

(e) ~~Montana developmental center~~ veterans' nursing homes for the nursing home and domiciliary care of honorably discharged veterans as provided by law, consisting of:

(i) Montana veterans' home at Columbia Falls; and

(ii) Montana veterans' home at Glendive.

~~(f) Montana center for the aged;~~

~~(g) Swan River forest camp; and~~

~~(h) Eastmont human services center.~~

(2) A state institution may not be moved, discontinued, or abandoned without prior consent of the legislature."

Section 6. Section 53-1-203, MCA, is amended to read:

"53-1-203. **Powers and duties of department.** The department shall:

(1) adopt rules for the admission, custody, transfer, and release of ~~residents of institutions~~ persons in

department programs except as otherwise provided by law; however, no such rules may amend or alter the statutory powers and duties of the state board of pardons;

(2) subject to the functions of the department of administration, lease or purchase lands for use by institutions and classify those lands to determine which are of such character as to be most profitably used for agricultural purposes, taking into consideration the needs of all institutions for the food products that can be grown or produced on the lands and the relative value of agricultural programs in the treatment or rehabilitation of the persons confined in the institutions;

(3) contract with private nonprofit Montana corporations to establish and maintain community based prerelease centers for purposes of preparing inmates of the Montana state prison who are approaching parole eligibility or discharge for release into the community; the centers shall provide a less restrictive environment than the prison while maintaining adequate security; the centers shall be operated in coordination with other department correctional programs, including the supervised release program provided for in Title 46, chapter 23, part 4. Nothing in this subsection shall affect the department's authority to operate and maintain community based prerelease centers in existence on July 14, 1982.

(4) utilize the staff and services of other state agencies and units of the Montana university system, within their respective statutory functions, to carry out its functions under this title;

(5) propose programs to the legislature to meet the projected long-range needs of institutions, including programs and facilities for the diagnosis, treatment, care, and aftercare of persons placed in institutions; and

(6) encourage the establishment of programs at the local level for the prevention and rehabilitation of ~~physical and mental disability~~ disabilities as they relate to mental illness and chemical dependency and encourage the establishment of programs at the local and institutional level for the rehabilitation and education of adult felony offenders."

NEW SECTION. **Section 7.** **Effective date.** [This act] is effective July 1, 1991.

-End-